

IDAPA 20 TITLE 03 CHAPTER 01 20.03.01 – RULES GOVERNING DREDGE AND PLACER MINING OPERATIONS IN IDAHO

1. there is no definition concerning a placer "exploration operation" as mentioned in 012 #28
2. 013 #2b has a short definition. but nothing concerning using suction devices that are hand operated, hand dug, electric or motor driven pump suction on dry land and beaches.
3. 020 04; reclamation required...question example

east fork of eagle creek road claim one mile above closed road; the road is opened for placer or suction dredging and finishes. the road must be restored to " conditions reasonably comparable to conditions existing prior to the placer or dredge exploration operations. (47-1314(b))". so what if it is restored to the original road?

4. 021. APPLICATION PROCEDURE FOR PLACER OR DREDGE MINING PERMIT. 01. Approved Reclamation Plan Required. No permittee shall conduct placer or dredge mining operations, as defined in these rules, on any lands in the state of Idaho until the placer mining permit has been approved by the board, the department has received a bond meeting the requirements of these rules, and the permit has been signed by the director and the permittee.

comment; in my view; a permit from a federal agency supercedes a state permit and makes the state permit not only superfluous, but also illegal. what about existing active mining operations? are they grandfathered? on federal lands they are already approved.

5. a. If the applicant is not the owner of the lands described in the application, or any part thereof, the land owner shall endorse his approval of the application prior to issuance of a permit. The federal government, as a property owner, will be notified of the application, and asked to endorse the application as property owner.

comment; who is going to ask the federal agency(s) to approve the operation? On federal land the state should have no say in the matter.

6. requirements for permits to prospect/explore should not be required unless the operation involves stream changes or pollution above what naturally occurs and has occurred in the past. example; a stream currently has a determined amount of mercury flowing in it. a suction dredge operation cleans up 20% of the mercury in the process of mining (actually more than 20%). thus the stream is cleaner than when mining started. the mining operation should not be required to clean up 100% of the mercury.

7. 04. Interagency Comment. Nonconfidential materials submitted under Section 021 shall be

forwarded by the director to the Departments of Water Resources, Environmental Quality (DEQ), and Fish and Game for review and comment. If operations are to be located on federal lands, the department will notify the U. S. Bureau of Land Management or the U.S. Forest Service. The director may provide public notice on receipt of a reclamation plan. In addition, a copy of an application will be provided to individuals who request the information in writing, subject to Title 9, Chapter 3, Idaho Code.

comment; requiring a miner to fill out a permit form for all state and federal agencies and get approval from all of them to dig a small hole (less than half an acre) would cause the miner to wait about 5 or 10 years for approval. during that time the miner might have to fill out 20 more forms for different spots to prospect in order to keep working. the start and finish times would depend upon how long it takes to complete the testing at each one.

this makes it impossible for the miner to be in business. if the start and finish times could be changed so that the start of the FIRST hole is listed and the start of succeeding holes are listed in order instead of by date; then this would make more sense. by the way, can you imagine the work load of each dept. when a miner submits 20 plans of operation and each one is listed for one year to two years? later on in the rules an application is terminated if not acted on within one year. so if a miner submits two applications for two years, then the second application is terminated before it can begin.

8. 06. Water Clarification. No permit shall be issued until the director is satisfied that the methods of water clarification proposed by the applicant are of sound engineering design and capable of meeting the water quality standards established under Title 39, Chapter 1, Idaho Code, and IDAPA 58.01.02, "Water Quality Standards," IDAPA, 58.01.11. "Ground Water Quality Rule."

comment; is the water quality going to be tested at high water or low water? high water is usually muddy in non-dammed streams. how far away from the mining is the water tested? in the reclamation section it looks like you folks tried to hide the requirement for filtering the output of a suction dredge, which is impossible except possibly for huge dredges. section 021 04 g page 7 at the bottom

9. 10. Permit Offering. Upon approval by the board, the applicant will be notified of the action and the amount of bond required. Upon receipt of the required bond, the permit will be sent to the applicant for signature. If the bond and the permit, signed by the applicant, are not received within twelve (12) months of board action, the approval shall be automatically rescinded, except that upon written request of the applicant, and for good cause, the director may defer decision of the board's approval for a reasonable period of time not to exceed one (1) year. The director shall notify the applicant of his decision in writing. (4-1-91)

comment; the forest service is taking 2.5 years to approve a permit currently. this is just one agency of about 7. if an amendment must be made for an approval, then that adds on more time. if a miner submits a permit application for one year and finishes the project in one year - approved reclamation; then he must submit an application for another project - taking another 2.5 years with no work. why

not submit 20 apps., get approval for the first one right away, work on the others within the time submitted for the first project, keep ALL the other project permit applications on file so that the miner can continuously work?

if the miner does a good job of reclamation on the first project, the bond could remain for succeeding projects and no paperwork need be done until a major operation needs to be permitted (greater than 1/2 acre or stream changes, etc.).

bonding is already required by the BLM and Forest service. this requirement means two bonds?

10. 026. DEVIATION FROM AN APPROVED PERMIT. 01. Unforeseen Events. If a permittee finds that unforeseen events or unexpected conditions require immediate deviation from an approved permit, the permittee may continue mining in accord with the procedures dictated by the changed conditions, pending submission and approval of an amended permit, even though such operations do not comply with the current approved permit. This shall not excuse the permittee from complying with the BMPs and reclamation requirements of Sections 020 and 040. (4-1-91)

comment; the boundaries of a dig are marked out with ribbons and gps coordinates. the dig proceeds and on the edge of the boundary a possible site of concentrated gold is found. the miner just wants to dig 2' further outside the boundary line and asks permission from an inspecting agency (1). i think the inspecting agency official should be allowed some latitude in a case like this. otherwise the permit would have to be amended (taking years), the dig would have to be reclaimed, the new dig started, overburden would be put on top of the reclaimed land (thus destroying the reclamation), and at the end the dig would have to be reclaimed again.

11. bonding; comment; i think miners with a record of at least 5 approved reclamations should be given preference for reclamation projects. i.e. a bad miner doesn't do the reclamation and is fined. the list of good miners is mailed out to that region to see if they

want the reclamation job before other contractors are notified. this might help miners stay in business while they are waiting for permit approvals. they also have a reputation of doing a good job.

12. termination of a permit;

b. The placer and dredge mining operations are not commenced within two (2) years of the date of board approval;

comment; first can the ending time of a permit be indefinite

limit for a permit?

13. permit inspections;

comment; can i be hired to inspect? currently i am being inspected once or twice per year.

that's just one mine. there are thousands of mining claims in idaho. you will have to have at least 500 inspectors. i suggest that you have the mining districts inspect their own mines with your training. what about private land owners that mine without permits? they probably won't even know that they have to get them or which permits are necessary.

there are thousands of active mining claims in N. Idaho. there are lots more inactive mines.

inspections will have to be done at the start and end of each project at the minimum, plus

a couple of years later to check for weeds, etc. that means at least 3 inspections per active

claim. at \$40,000 per year x 500 inspectors = \$20 million in wages plus travel expenses and overtime. I hope you have that much in the budget! Of course you will have to provide a 4wd vehicle with good tires and an atv/utv to get around the mine claim. chains will be necessary in the winter or tracks for the atv/utv, plus vehicle insurance and licensing.

training will have to be given to all mine inspectors to ensure that we all inspect the same.

at about \$500 per inspector; that is \$25000. the training would take at least 2 days and that

means per diem, travel expenses, and a delay before they can work. temporary rules being put into place from a week to two weeks and setting up the training and places to do the training will take at least a month.

Inactive mines will have to be found, inspected, ownership determined if not reclaimed properly, reclaiming the mine contracts put out and inspected, notices to owners certified mailed. The federal agencies will have to be notified. permission to be on the private property will have to be obtained.

or a search warrant.

#### 14. patented mines;

comment; a common person buys a patented mine to build a house on, plant trees, do land scaping, drills a well, digs a basement. according to what i've heard the new owner is responsible for all the toxic waste, etc. that was previously done to the land/stream? and may not even know about it. he further might have to have a mining permit to dig a basement or drill a well.

#### 15. old digs;

comment; while hunting i found an old shaft 15' in diameter and depth with vertical walls that either humans or animals could be trapped in. i contacted the forest service with the location since they administer the land. they informed me that they would fill in the hole using foam. no mention of using top soil on top or planting. they apparently contract this work to companies on a list. why can't miners fill in these old holes using reclamation methods and get paid for it? i was informed that the cda nat. forest ONLY uses companies on their list. see above comment.

16. date of enforcement;

one of the dates is 6/19/2019, the other 6/30/2019 and the meeting is 6/14. that gives the state 5 days of which there is a weekend in order to go through our comments, make changes and publish the rules.

17. reclamation requirements

comment; 7.5 minute maps are required which are no longer sold in this area. if ore processing is to be done on private property; then do all of these requirements still apply?

for suction dredging there should be no reclamation required unless the stream channel is changed.